

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2011-313-C - ORDER NO. 2011-597  
AUGUST 30, 2011

IN RE: Petition of SBC Internet Services, Inc. d/b/a	)	ORDER REVERSING
AT&T Internet Services Requesting the	)	NUMBERING
Commission's Intervention in Numbering	)	DETERMINATION
Resources Determinations - Mill Creek Rate	)	
Center	)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the Petition of SBC Internet Services, Inc. d/b/a AT&T Internet Services (“ATTIS” or the “Company”) for review of the North American Numbering Plan Administrator’s and/or the Pooling Administrator’s (collectively “NANPA/PA” also known as “Central Office Code Administration”) central office code numbering resources decision to deny the Company’s request for numbering resources in the Mill Creek Rate Center (803 area Code). The denial that is the subject of the Petition impacts ATTIS’s ability to establish a new switch for its CVOIP/UNIVERSE service which is planned to roll out in November 2011.

In support of its Petition, ATTIS states that it provides various unregulated services in portions of South Carolina, including the Mill Creek exchange. In 2005, the Federal Communications Commission (“FCC”) issued Order FCC 05-20 (February 1, 2005) granting a waiver that allows the Company to obtain direct access to numbering resources from NANAPA/PA. On July 12, 2011, ATTIS submitted a Pooling

Administration System request for the specific assignment of the 803-525-7XXX one thousands-block. The request is for a second network switch that will serve Mill Creek and other rate centers in South Carolina and nationally. According to the Company, projected growth in customers makes the acquisition of this number block prudent, and it will be a footprint block for the additional network switch. However, the request was refused. ATTIS states that the inability to obtain the requested numbering resources will prevent it from providing the forecasted service its customers desire, need, and expect, and it will be unable to accommodate growth and provide service requested by customers.

NANPA/PA's refusal stems from the Federal Communications Commission's ("FCC") "rate center" basis for determining the need for new numbering resources. Under FCC rules, carriers must exhaust their numbering inventory within six months of the application and meet a rate center utilization threshold of 75 percent in order to receive additional numbering resources. However, the record reveals that, at the time of the request, the Mill Creek Rate Center was 5.970 months from exhausting its inventory and was using 0% of its numbering resources.

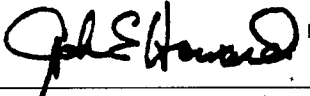
Although ATTIS fails to meet NANPA/PA's requirements, the FCC maintains a policy that "under no circumstances should customers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources." FCC 000-429 at ¶ 61. To this end, the FCC allows carriers to challenge a NANPA/PA decision at the appropriate state regulatory commission. FCC 01-362 at ¶¶ 61-66; Central Office Code (NXX) Assignment Guidelines § 13.0. States

may grant relief “if a carrier demonstrates that it has received a request for numbering resources in a given rate center that it cannot meet with its current inventory.” FCC 01-362 at ¶ 64.

We find that the South Carolina Public Service Commission, as the regulator of the rates and service of telecommunications companies under the authority of S.C. Code Ann. § 58-9-210 et seq., has the authority under both the FCC's rules and the Central Office Code (NXX) Assignment Guidelines to review a decision by NANPA/PA denying a request for numbering resources. We further find that ATTIS has demonstrated a need for numbering resources that it cannot meet with its current inventory. It is our opinion that these additional numbering resources are necessary for ATTIS to provide its customers with the required telecommunications service. Consequently, we hold that NANPA/PA is directed to approve ATTIS' request.

This Order shall remain in full force and effect until further order of the Commission.

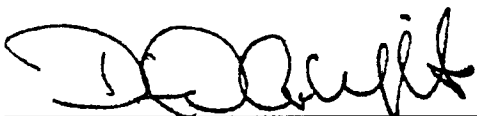
BY ORDER OF THE COMMISSION:



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John E. Howard, Chairman

ATTEST:



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David A. Wright, Vice Chairman  
(SEAL)